

Message Text

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TO AMEMBASSY BONN
INFO AMEMBASSY BERLIN
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USMISSION USBERLIN

C O N F I D E N T I A L STATE 184411

E.O. 11652: GDS

TAGS: PGOV, BQG

SUBJECT:SOVIET NOTE ON EXTENSION OF MONTREAL CONVENTION
TO BERLIN

REF: EUR/CE TRANSMITTAL SLIP DATED MARCH 17, 1978(NOTAL)

1. SOVIET EMBASSY COUNSELOR VASEV DELIVERED A NOTE TO DEPUTY
ASSISTANT SECRETARY LUERS ON JUNE 28 IN RESPONSE TO THE
DEPARTMENT'S CIRCULAR NOTE OF FEBRUARY 10 CONCERNING THE
FRG'S EXTENSION TO BERLIN OF THE 1971 MONTREAL CONVENTION
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ON THE SAFETY OF CIVIL AVIATION (REF). THE NOTE STATES THE
SOVIET POSITION THAT THE FRG IS NOT COMPETENT TO DEAL WITH
PROBLEMS CONCERNING AIR SERVICE TO WEST BERLIN AND CONCLUDES
THAT THE SOVIET SIDE REGARDS THE FRG DECLARATION AS "NOT
LAWFUL AND DEVOID OF ANY JURIDICAL FORCE." THE COMPLETE
TEXT OF THE NOTE IS REPORTED IN PARAGRAPH 4.

2. THE BONN GROUP SHOULD CONSULT ON APPROPRIATE RESPONSE TO THE NOTE AND ON ANY IMPLICATIONS WHICH THE SOVIET POSITION MAY HAVE IN THE CASE OF A HIJACKING INCIDENT IN BERLIN.

3. WE WILL CIRCULATE THE SOVIET NOTE TO THE OTHER SIGNATORIES IN OUR CAPACITY AS A DEPOSITORY GOVERNMENT IN

THE NEAR FUTURE AND WILL PLAN TO CIRCULATE THE ALLIED REPLY LATER WHEN AGREEMENT ON IT IS REACHED IN THE BONN GROUP.

4. TEXT OF SOVIET NOTE: BEGIN TEXT - "THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA AND, IN REFERENCE TO ITS NOTE OF FEBRUARY 10, 1978, CONCERNING THE STATEMENT OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE APPLICATION TO WEST BERLIN OF THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION OF SEPTEMBER 23, 1971, HAS THE HONOR TO STATE THE FOLLOWING.

"THE CONTENTS OF THE CONVENTION TOUCH DIRECTLY UPON QUESTIONS OF STATUS AND SECURITY. IT IS KNOWN THAT UNDER THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971, THE FEDERAL REPUBLIC OF GERMANY HAS NO RIGHT TO EXTEND INTERNATIONAL AGREEMENTS OF THIS KIND TO WEST BERLIN.
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FURTHERMORE, THE CONVENTION DEALS WITH PROBLEMS OF AIR SERVICE IN WHICH, TO THE EXTENT THAT WEST BERLIN IS INVOLVED, THE FEDERAL REPUBLIC OF GERMANY IS NOT COMPETENT AT ALL.

"THE RESERVATIONS INTRODUCED BY THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY, SPECIFICALLY THAT THE APPLICATION OF THE CONVENTION TO WEST BERLIN SHALL OCCUR WITH THE FOUR POWERS CONSERVING THEIR RIGHTS AND RESPONSIBILITIES WITH REGARD TO THAT CITY, CHANGE NOTHING IN THE SUBSTANCE OF THE PROBLEM AND ARE INAPPROPRIATE. THE FEDERAL REPUBLIC OF GERMANY CANNOT CLAIM TO RESOLVE THE PROBLEM OF THE SCOPE OF SUCH RIGHTS AND RESPONSIBILITIES.

"TAKING ALL THIS INTO ACCOUNT, THE SOVIET SIDE REGARDS THE STATEMENT OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE APPLICATION OF THE CONVENTION TO WEST BERLIN AS NOT LAWFUL AND DEVOID OF ANY JURIDICAL FORCE.

"THE EMBASSY WOULD APPRECIATE IT IF THE CONTENTS OF THIS NOTE WERE BROUGHT TO THE ATTENTION OF ALL THE STATES THAT WERE ADVISED OF THE AFOREMENTINED STATEMENT OF THE GOVERN-

MENT OF THE FEDERAL REPUBLIC OF GERMANY." COMPLIMENTARY
CLOSE. END TEXT VANCE

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